

Serial No. 09/841,834

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Best Available Copy

Inventor(s)	Olga Kapitskaia Raymond T. Ng Divesh Srivastava	
Serial No.	09/841,834	Group Art Unit : 2152
Filing Date	April 25, 2001	
Docket No	2000-0255	Examiner: TBA
Title	METHOD FOR USING QUERY TEMPLATES IN DIRECTORY CACHES	

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

PETITION UNDER 37 CFR 1.47(a)
TO FILE THE ABOVE IDENTIFIED APPLICATION
WITHOUT SIGNATURE OF JOINT INVENTOR

SIR:

1. This is a petition under 37 CFR 1.47(a), to file, the above-identified application, without the signature of a joint inventor who is either unreachable or has refused to join in the application.

2. The petition is made on behalf of two joint inventors, Raymond Ng and Divesh Srivastava, who are reachable and a joint inventor who "cannot be ... reached after diligent effort" and/or who "refuses to join in an application for patent" (37 CFR 1.47(a)).

3. The inventor who is unreachable is:

Olga Kapitskaia, a citizen of the Russian Federation,
whose last known residence address is
32 bis rue du Cotentin, 75015 Paris, France.

4. The diligent effort to reach the joint inventor is evidenced in the attached Declaration Of Facts by Felicia Adadevoh. Felicia Adadevoh is the "person having firsthand knowledge of the facts" (M.P.E.P. 409.03 (a) and 409.03 (d)).

5. A Declaration and Oath signed by the available joint inventors is being filed concurrently with this petition, a copy of which is attached. (37 C.F.R. 1.63 & 37 C.F.R. 1.64).

6. A Petition for Extension of Time for this application is being filed concurrently with this petition, and, accordingly, this application is properly pending. A copy of the Petition for Extension of Time for this Application, together with a copy of the Notice to File Missing Parts of Application are also enclosed. The originals were filed in the Applications Branch.

7. Please charge AT&T Deposit Account No. 01-2745 the sum of \$130.00, the petition fee required by 37 C.F.R. 1.17 (h). In the event of non-payment or improper payment of a required fee, the Assistant Commissioner is authorized to charge or to credit AT&T Deposit Account 01-2745 as required to correct the error.

8. In view of the above, your petitioner respectfully requests that the Commissioner grant this petition under 37 C.F.R. 1.47 (a).

9. Please address all correspondence to Mr. S. H. Dworetsky, General Attorney, AT&T Corp., P. O. Box 4110, Middletown, New Jersey 07748.

Respectfully submitted,

Date: January 18, 2001

By 

Benjamin S. Lee
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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Inventor(s) Olga Kapitskaia
Raymond T. Ng
Divesh Srivastava

Serial No. 09/841,834 Group Art Unit : 2152

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Title METHOD FOR USING QUERY TEMPLATES IN DIRECTORY
CACHES

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DECLARATION OF FACTS UNDER 37 CFR 1.47(a)

SIR:

I, Felicia Adadevoh, hereby declare and say that:

1. I am a Patent Prosecution Specialist for AT&T Corp., and, as such I am familiar with and have first-hand knowledge of the facts recited below.
2. The above-identified application was originally filed naming Olga Kapitskaia as a joint co-inventor.
3. After the application was filed, the joint inventor, Olga Kapitskaia, was unreachable and/or refused to join in the application and, accordingly, was unable to sign the Oath or Declaration as required under 37 C.F.R. 1.63.

4. The circumstances surrounding the inability to find or reach the joint inventor, Olga Kapitskaia, was that diligent effort was made to have Olga Kapitskaia sign the Oath or Declaration as required by 37 C.F.R. 1.63.

5. The exact facts which are relied upon to establish that a diligent effort was made to have the joint inventor Olga Kapitskaia sign the Declaration and Oath are as follows:

(a) Prior to August 15, 2001, I attempted to obtain internally at AT&T Corp. an address where I could reach Olga Kapitskaia who had left the employment of AT&T Corp.

(b) On August 15, 2001, I received an e-mail from administrative staff within AT&T Corp. indicating that Olga Kapitskaia's e-mail address was olga.kapitskaia@devinci.fr.

(c). On August 15, 2001, I sent an e-mail to the above e-mail address requesting that Olga Kapitskaia send me a mailing address where I could send the formal papers for her signature.

(d) On August 28, 2001, I received an e-mail from Olga Kapitskaia indicating that her home address was: Olga Kapitskaia, 32 bis rue du Cotentin, 75015 Paris France.

(e) In late August 2001, I proceeded to mail the Declaration and Oath for her signature along with other papers to the above identified address using Federal Express International Air Waybill, Tracking No. 400-6606 8505. (See Attached Exhibit A) The Federal Express package was not returned to sender so presumably reached its destination.

(f) On October 8, 2001, I sent an e-mail to the above-identified e-mail address asking whether Olga Kapitskaia had received the Federal Express package. I did not receive a response. In November 2001, I contacted Divesh Srivastava, a joint inventor on the above-identified application, to encourage him to contact Olga Kapitskaia. Divesh Srivastava agreed to contact Olga Kapitskaia to encourage her to sign the Declaration and Oath.

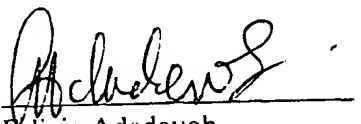
(g) On December 13, 2001, I again tried to contact Olga Kapitskaia by sending an e-mail to the above-identified e-mail address requesting that she sign the Declaration and Oath and return it to us as soon as possible. I did not receive a reply.

(h) In early January 2002, I again tried to contact Olga Kapitskaia multiple times to request that she sign and return the Declaration and Oath. I tried to contact her by e-mail. I tried to contact her by telephone in France (+33 0 1 41167176). I tried to contact her by fax number in France (+33 0 1 41167171). I did not receive a reply.

(i) On January 18, 2002, concurrent with the present filing of this declaration, I received an e-mail indicating that Olga Kapitskaia had received by communications and would try to sign and return the Declaration and Oath next week. However, next week is past the deadline even with extension fees for the missing parts notice.

6. Based on the foregoing sequence of events, and copies of the documentary evidence submitted herewith, the undersigned establishes that a diligent effort was made to find the inventor, Olga Kapitskaia. The undersigned also establishes that Olga Kapitskaia has effectively refused to sign within the required time period to avoid abandonment of the present application.

7. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issued thereon.


Pelicia Adadevoh
Patent Prosecution Specialist

1/18/02
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov**BEST AVAILABLE COPY**

Paper No. 9

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MIDDLETOWN NJ 07748-411

AT&T PATENT	
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NOT DOCKETED	
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PREVIOUSLY DOCKETED	
PREVIOUSLY ABANDONED	

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OFFICE OF PETITIONS

In re Application of
Kapitskaia, et al.
Application No. 09/841,834
Filed: April 25, 2001
Attorney Docket No. 2000-0255DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the Request for Reconsideration of
Petition Under 37 CFR 1.47(a), filed December 30, 2002.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified application was filed on April 25, 2001,
without an executed oath or declaration. Accordingly, on June
18, 2001, the Initial Patent Examination Division mailed a Notice
to File Missing Parts of Nonprovisional Application. This Notice
set a two month period for reply.

In reply, applicant filed a petition under 37 CFR 1.47(a) on
February 12, 2002 and paid the surcharge for late filing of the
declaration. To make timely this reply, applicant obtained a
five month extension of time and included a Certificate of
Mailing dated January 18, 2002. Applicant included a declaration
signed by inventors Raymond Ng and Divesh Srivastava. The
declaration lacked a signature from inventor Olga Kapitskaia.

However, this petition was dismissed in a decision mailed on
October 31, 2002. Petitioner did not establish that a copy of
the application papers had been sent to Kapitskaia for her
review. In addition, petitioner provided an e-mail from
Kapitskaia indicating her intention to sign and return the
declaration within one week.

With the instant petition, petitioner attested that he had
firsthand knowledge that the application papers were in fact sent
to Kapitskaia for her review. In addition, according to
petitioner, no executed declaration from Kapitskaia has been
received as of the date of the petition.

The declaration filed February 12, 2002, and the petition have
been reviewed and found to be in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

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As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

Beverly M. Flanagan

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Cliff Congo

Cliff Congo
Petitions Attorney
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